

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. CR-1-02-100(1,2)
	:	
JOHN DUNCAN	:	
A.K.A. JOVANNI MANGOTTI	:	
	:	
MICHELLE MANGOTTI,	:	Senior Judge Rice
	:	
Defendant.	:	

**SECOND JOINT MOTION TO EXTEND TIME FOR DISCLOSURE OF FINAL
PRESENTENCE INVESTIGATION REPORT**

Now come Defendants John Duncan and Michelle Mangotti, by and through their respective counsel, and, pursuant to Rule 32(i) of the Southern District of Ohio Criminal Rules, hereby move this Court to extend the date for disclosure of the final presentence investigation report in this matter until January 31, 2005.

As background, Mr. Duncan and Ms. Mangotti pled guilty before this Court on June 28, 2004. Due to vacation schedules, the initial presentence report was delayed and this Court granted an extension of time to file the final presentence report until October 8, 2004, and set the sentencing hearing for October 15, 2004. The Court granted a second extension based upon a request for additional time to resolve objections, and to await the Supreme Court decision in United States v. Booker, No. 04-104 and United States v. Fanfan, No. 04-105. The Court granted a third extension upon the same grounds. The presentence investigation report is currently due for disclosure on December 30, 2004.

The Supreme Court has not, as of the date of this motion, rendered a decision in the above-referenced cases. Mr. Duncan and Ms. Mangotti submit that such decision may have a significant impact upon the sentencing in the present case. Additionally, Mr. Duncan has objections pending with the probation department that require more time to attempt to resolve. Therefore, in the interest of justice, Mr. Duncan and Ms. Mangotti request that this Court extend the deadline for the presentence investigation report until January 31, 2005.

Counsel for Ms. Mangotti has spoken with Amul Thapar, Assistant United States Attorney, and Laura Jensen, United States Probation Officer, and neither Mr. Thapar nor Ms. Jensen has any objection to this motion.

Wherefore Mr. Duncan and Ms. Mangotti respectfully request that this Court grant an extension of time until January 31, 2005 for disclosure of the final presentence investigation report to the Court.

Respectfully submitted,

STEVEN R. KELLER
FEDERAL PUBLIC DEFENDER

s/ Richard Smith-Monahan
Richard Smith-Monahan (0065648)
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Attorney for Defendant
Michelle Mangotti

Respectfully submitted,

s/ Kevin Spiering (per telephone authorization)
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Attorney for Defendant
John Duncan

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Amul Thapar, Assistant United States Attorney, via Electronic Case Filing, on this 22nd day of December, 2004.

s/ Richard Smith-Monahan
Richard Smith-Monahan